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DEMOCRATIC STAFF DIRECTOR

April 30, 2015

The Honorable Robert A. McDonald
Secretary of Veterans Affairs
810 Vermont Ave, NW
Washington, DC 20420

Dear Secretary McDonald,

We are writing to urge the Department of Veterans Affairs (VA) to use existing statutory authority to ensure that U.S. Air Force Reserve personnel who were exposed to toxic herbicides while working on Fairchild UC-123 Provider (C-123) aircraft are eligible for disability and health benefits under the Agent Orange Act of 1991. We understand there are less than 2,500 personnel who would qualify as a result of this change.

We, as a nation, have a duty to Veterans suffering from the side effects of Agent Orange. Recently released research from the Institute of Medicine (IOM) substantiates a connection between 2,100 US Air Force Reservists and non-trivial exposure to Agent Orange toxins. These are men and women who trained and worked on C-123 aircraft that had previously been used to spray Agent Orange in Vietnam. After the Vietnam War, the aircraft were transferred to the US Air Force Reserves and used between 1972 and 1982 by Reservists. The report establishes a clear chain of custody between how these aircraft were used during the Vietnam War and use by the Reservists shortly thereafter. Furthermore, the report shows toxic residue from Agent Orange was present while the aircraft were being used by the Reservists.

We are asking you to use the IOM's scientific findings to grant these men and women veteran status so they can seek and obtain the benefits and medical care they need and are due to treat ailments associated with their exposure to these toxins.

You have received a message from our colleagues in the Senate asking you to use your existing statutory authority to provide care and benefits to these veterans. In their letter, the Senators articulate that VA General Counsel has interpreted the statutory definition of veteran eligibility too narrowly; which has resulted in a denial of access to care for these veterans. We agree with the Senate's assessment.

VA asked IOM to look into this issue because of their concern for these veterans. Mr. Secretary, there is no denying this cohort of veterans were exposed to the toxins in these aircraft. We are now simply asking VA to follow through on the report's findings and ensure these veterans can receive the care they need.


Additionally, we are aware there is concern that a precedent could be set by granting veterans' status to these individuals for benefits under the Agent Orange Act of 1991, which could further expand benefits beyond a sustainable point. However, we believe that the evidence of injury in this instance is compelling and clear. We know for a fact that these men and women were exposed to non-trivial TCDD and phenoxy herbicide residues, which were still detected 30 years later in several of the C-123 aircraft at levels in excess of international guidelines. In comparison, there are other instances in which, we know that populations of veterans were exposed to toxins but their association with the toxins is less clear. As such, we are asking VA to do the right thing by these men and women, grant them immediate veteran status, and prioritize their overdue right to benefits and healthcare.

Due to the severity of the matter we would appreciate a response within 14 days

Sincerely,



JEFF MILLER
Chairman
CJM/cd



CORRINE BROWN
Ranking Member